

1999, the AO advised that it would no longer submit this report because "as of December 21, 1999, the report will no longer be required pursuant to the Federal Reports Elimination and Sunset Act of 1995." I commend the AO for alerting Congress that their responsibility for the wiretap reports would lapse at the end of this year, and for doing so in time for Congress to take action. The date upon which this reporting requirement was due to lapse was extended in the FY 2000 Consolidated Appropriations Act, H.R. 3194, until May 15, 2000—only a few short weeks away.

AO has done an excellent job of preparing the wiretap reports. We need to continue the AO's objective work in a consistent manner. If another agency took over this important task at this juncture and the numbers came out in a different format, it would immediately generate questions and concerns over the legitimacy and accuracy of the contents of that report.

In addition, it would create difficulties in comparing statistics from prior years going back to 1969 and complicate the job of congressional oversight. Furthermore, transferring this reporting duty to another agency might create delays in issuance of the report since no other agency has the methodology in place. Finally, federal, state and local agencies are well accustomed to the reporting methodology developed by the AO. Notifying all these agencies that the reporting standards and agency have changed would inevitably create more confusion and more expense as law enforcement agencies across the country are forced to learn with a new system and develop a liaison with a new agency.

The system in place now has worked well and we should avoid any disruptions. We know how quickly law enforcement may be subjected to criticism over their use of these surreptitious surveillance tools and we should avoid aggravating these sensitivities by changing the reporting agency and methodology on little to no notice. I appreciate, however, the AO's interest in transferring the wiretap reporting requirement to another entity. Any such transfer must be accomplished with a minimum of disruption to the collection and reporting of information and with complete assurances that any new entity is able to fulfill this important job as capably as the AO has done.

S. 1769 would update the reporting requirements currently in place with one additional reporting requirement. Specifically, the bill would require the wiretap reports prepared beginning in calendar year 2000 to include information on the number of orders in which encryption was encountered and whether such encryption prevented law enforcement from obtaining the plain text of communications intercepted pursuant to such order.

Encryption technology is critical to protect sensitive computer and online

information. Yet, the same technology poses challenges to law enforcement when it is exploited by criminals to hide evidence or the fruits of criminal activities. A report by the U.S. Working Group on Organized Crime titled, "Encryption and Evolving Technologies: Tools of Organized Crime and Terrorism," released in 1997, collected anecdotal case studies on the use of encryption in furtherance of criminal activities in order to estimate the future impact of encryption on law enforcement. The report noted the need for "an ongoing study of the effect of encryption and other information technologies on investigations, prosecutions, and intelligence operations". As part of this study, "a database of case information from federal and local law enforcement and intelligence agencies should be established and maintained." Adding a requirement that reports be furnished on the number of occasions when encryption is encountered by law enforcement is a far more reliable basis than anecdotal evidence on which to assess law enforcement needs and make sensible policy in this area.

The final section of S. 1769 would codify the information that the Attorney General already provides on pen register and trap and trace device orders, and would require further information on where such orders are issued and the types of facilities—telephone, computer, pager or other device—to which the order relates. Under the Electronic Communications Privacy Act ("ECPA") of 1986, P.O. 99-508, codified at 18 U.S.C. 3126, the Attorney General of the United States is required to report annually to the Congress on the number of pen register orders and orders for trap and trace devices applied for by law enforcement agencies of the Department of Justice. As the original sponsor of ECPA, I believed that adequate oversight of the surveillance activities of federal law enforcement could only be accomplished with reporting requirements such as the one included in this law.

The reports furnished by the Attorney General on an annual basis compile information from five components of the Department of Justice: the Federal Bureau of Investigation, the Drug Enforcement Administration, the Immigration and Naturalization Service, the United States Marshals Service and the Office of the Inspector General. The report contains information on the number of original and extension orders made to the courts for authorization to use both pen register and trap and trace devices, information concerning the number of investigations involved, the offenses on which the applications were predicted and the number of people whose telephone facilities were affected.

These specific categories of information are useful, and S. 1769 would direct the Attorney General to continue providing these specific categories of information. In addition, the bill would direct the Attorney General to include

information on the identity, including the district, of the agency making the application and the person authorizing the order. In this way, the Congress and the public will be informed of those jurisdictions and using this surveillance technique—information which is currently not included in the Attorney General's annual reports.

The requirement for preparation of the wiretap reports will soon lapse so I am delighted to see the Congress take prompt action on this legislation to continue the requirement for submission of the wiretap reports and to update the reporting requirements for both the wiretap reports submitted by the AO and the pen register and trap and trace reports submitted by the Attorney General.

Mr. SESSIONS. I ask unanimous consent the Senate concur in the amendments of the House.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECOGNIZING THE 50TH ANNIVERSARY OF THE KOREAN WAR

Mr. SESSIONS. Mr. President, on behalf of the leader, I ask unanimous consent the Senate now proceed to the immediate consideration of H.J. Res. 86.

The PRESIDING OFFICER. The clerk will report the joint resolution by title.

The legislative clerk read as follows:

A joint resolution (H.J. Res. 86) recognizing the 50th anniversary of the Korean War and the service by Members of the Armed Forces during such war, and for other purposes.

There being no objection, the Senate proceeded to consider the joint resolution.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the joint resolution be read the third time and passed, the preamble be agreed to, the motion to reconsider be laid upon the table, and any statements relating to this resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The preamble was agreed to.

The joint resolution (H.J. Res. 86) was read the third time and passed.

C.B. KING UNITED STATES COURTHOUSE

Mr. SESSIONS. Mr. President, I ask the Chair lay before the Senate a message from the House of Representatives of the bill (S. 1567) to designate the United States courthouse located at 223 Broad Street in Albany, Georgia, as the C.B. King United States Courthouse.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the bill from the Senate (S. 1567) entitled "An Act to designate the United States courthouse located at 223 Broad Street in Albany, Georgia, as the 'C.B. King United States Courthouse'." do pass with the following amendments:

Strike out all after the enacting clause and insert:

SECTION 1. DESIGNATION.

The United States courthouse located at 223 Broad Avenue in Albany, Georgia, shall be known and designated as the "C.B. King United States Courthouse".

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the United States courthouse referred to in section 1 shall be deemed to be a reference to the "C.B. King United States Courthouse".

Amend the title so as to read "An Act to designate the United States courthouse located at 223 Broad Avenue in Albany, Georgia, as the 'C.B. King United States Courthouse'."

Mr. SESSIONS. I ask unanimous consent the Senate agree to the amendments of the House.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMENDING THE LIBRARY OF CONGRESS AND ITS STAFF

Mr. SESSIONS. I ask unanimous consent the Senate proceed to the immediate consideration of H. Con. Res. 269 reported by the Judiciary Committee.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A House concurrent resolution (H. Con. Res. 269) commending the Library of Congress and its staff for 200 years of outstanding service to the Congress and the Nation and encouraging the American public to participate in bicentennial activities.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. SESSIONS. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table, and any statements be printed in the RECORD, including a statement of Senator STEVENS.

The preamble was agreed to.

The concurrent resolution (H. Con. Res. 269) was agreed to.

AUTHORITY FOR COMMITTEES TO FILE LEGISLATIVE MATTERS

Mr. SESSIONS. Mr. President, I ask unanimous consent that, notwithstanding the adjournment, the Senate committees have from 11 a.m. until 1 p.m. on Thursday, April 20, in order to file legislative matters.

The PRESIDING OFFICER. Without objection, it is so ordered.

APPOINTMENTS

The PRESIDING OFFICER. The Chair, on behalf of the majority leader, after consultation with the chairman of the Senate Committee on Finance, pursuant to Public Law 106-170, announces the appointment of the following individuals to serve as members of the Ticket to Work and Work Incentives Advisory Panel: Larry D. Henderson, of Delaware, for a term of two years, and Stephanie Smith Lee, of Virginia, for a term of four years.

The Chair, on behalf of the Democratic leader, after consultation with the ranking member of the Senate Committee on Finance, pursuant to Public Law 106-170, announces the appointment of the following individuals to serve as members of the Ticket to Work and Work Incentives Advisory Panel: Dr. Richard V. Burkhauser, of New York, for a term of two years, and Ms. Christine M. Griffin, of Massachusetts, for a term of four years.

ORDERS FOR TUESDAY, APRIL 25, 2000

Mr. SESSIONS. Mr. President, on behalf of the leader, I ask unanimous consent that when the Senate completes its business today, it adjourn under the provisions of H. Con. Res. 303 until the hour of 9:30 a.m. on Tuesday, April 25. I further ask consent that on Tuesday, immediately following the prayer, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate then begin to debate on the motion to proceed to S.J. Res. 3, proposing an amendment to the Constitution to protect the rights of crime victims, until 12:30 p.m., with the time equally divided between the two bill managers.

I further ask unanimous consent that at the hour of 12:30 p.m. the Senate stand in recess until the hour of 2:15 p.m. in order for the weekly party caucuses to meet.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. SESSIONS. For the information of all Senators, the Senate will convene on Tuesday, April 25, at 9:30 a.m. and immediately begin debate on the motion to proceed to the victims' rights legislation until 12:30 p.m. At 2:15 p.m., when the Senate reconvenes from the weekly party conference luncheons, the Senate will vote on the motion to invoke cloture on the motion to proceed to S.J. Res. 3. If that cloture vote is not invoked, then a second vote will occur on cloture on the marriage penalty bill. It is hoped that cloture will be invoked and debate can begin on the crime victims resolution following the vote.

In addition, the leaders will continue to work to resolve the Democratic objections to the marriage penalty bill.

ADJOURNMENT UNTIL 9:30 A.M., TUESDAY, APRIL 25, 2000

Mr. SESSIONS. If there is no further business to come before the Senate, I now ask unanimous consent the Senate stand in adjournment under the provisions of H. Con. Res. 303.

There being no objection, the Senate, at 8:19 p.m., adjourned until Tuesday, April 25, 2000, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate April 13, 2000:

DEPARTMENT OF TRANSPORTATION

PHIL BOYER, OF MARYLAND, TO BE A MEMBER OF THE FEDERAL AVIATION MANAGEMENT ADVISORY COUNCIL FOR A TERM OF TWO YEARS. (NEW POSITION)

DEPARTMENT OF ENERGY

MILDRED SPIEWAK DRESSSELHAUS, OF MASSACHUSETTS, TO BE DIRECTOR OF THE OFFICE OF ENERGY RESEARCH, VICE MARTHA ANNE KREBS.

DEPARTMENT OF STATE

JAMES DONALD WALSH, OF CALIFORNIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO ARGENTINA.

DEPARTMENT OF JUSTICE

JAMES L. WHIGHAM, OF ILLINOIS, TO BE UNITED STATES MARSHAL FOR THE NORTHERN DISTRICT OF ILLINOIS FOR THE TERM OF FOUR YEARS VICE JOSEPH GEORGE DILEONARDI, RESIGNED.

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES MARINE CORPS TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. MICHAEL W. HAGEE, 0000